

AMENDED IN SENATE APRIL 20, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1434

Introduced by Senator Ackerman
(Coauthors: Senators Battin and Margett)
(Coauthors: Assembly Members Benoit and Haynes)

February 19, 2004

An act to amend Section ~~4186~~ 4181 of the Fish and Game Code, relating to rabbits.

LEGISLATIVE COUNSEL'S DIGEST

SB 1434, as amended, Ackerman. Rabbits: taking ~~of rabbits that damage crops~~.

Under existing law, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, or gray squirrels, may apply to the Department of Fish and Game for a permit to kill those mammals. The department, upon satisfactory evidence of the damage or destruction, is required to issue a revocable permit for the taking and disposition of the mammals.

This bill would amend that provision to authorize any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by cottontail or brush rabbits, to apply to the department for a permit to kill them.

~~Existing law authorizes the owner or tenant of land, or any person authorized in writing by that owner or tenant, to take cottontail or brush rabbits during any time of the year when damage to crops or forage is experienced on that land. Existing law requires any person other than~~

~~the owner or tenant to possess written authority from the owner or tenant of land from which those rabbits are taken. Existing law prohibits the sale of any rabbits taken pursuant to those provisions.~~

~~This bill would also authorize the owner or tenant of land, or any person authorized by that owner or tenant, to take cottontail or brush rabbits if damage to landscaping is being experienced on that land.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 4186 of the Fish and Game Code is~~
2 ~~SECTION 1. Section 4181 of the Fish and Game Code is~~
3 ~~amended to read:~~

4 4181. (a) Except as provided in Section 4181.1, any owner or
5 tenant of land or property that is being damaged or destroyed or is
6 in danger of being damaged or destroyed by elk, bear, beaver, wild
7 pig, *cottontail or brush rabbits*, or gray squirrels, may apply to the
8 department for a permit to kill the mammals. Subject to the
9 limitations in subdivisions (b) and (d), the department, upon
10 satisfactory evidence of the damage or destruction, actual or
11 immediately threatened, shall issue a revocable permit for the
12 taking and disposition of the mammals under regulations adopted
13 by the commission. The permit shall include a statement of the
14 penalties that may be imposed for a violation of the permit
15 conditions. Mammals so taken shall not be sold or shipped from
16 the premises on which they are taken except under instructions
17 from the department. No iron-jawed or steel-jawed or any type of
18 metal-jawed trap shall be used to take any bear pursuant to this
19 section. No poison of any type may be used to take any gray
20 squirrel pursuant to this section. The department shall designate
21 the type of trap to be used to ensure the most humane method is
22 used to trap gray squirrels. The department may require trapped
23 squirrels to be released in parks or other nonagricultural areas. It
24 is unlawful for any person to violate the terms of any permit issued
25 under this section.

26 (b) The permit issued for taking bears pursuant to subdivision
27 (a) shall contain the following facts:

28 (1) Why the issuance of the permit was necessary.

(2) What efforts were made to solve the problem without killing the bears.

(3) What corrective actions should be implemented to prevent reoccurrence.

(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.

(d) With respect to elk, the following procedures shall apply:

(1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:

(A) Verify the actual or immediately threatened damage or destruction.

(B) Provide a written summary of corrective measures necessary to immediately alleviate the problem.

(C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.

(D) Ensure the permit will not reduce the local herd below the minimum.

(E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.

(2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

~~amended to read:~~

~~4186.— Nothing in this code prohibits the owner or tenant of land, or any person authorized in writing by that owner or tenant, from taking cottontail or brush rabbits during any time of the year that damage to crops, landscaping, or forage is being experienced on that land. Any person other than the owner or tenant of the land shall possess written authority from the owner or tenant of the land~~

- 1 ~~where the rabbits were taken when transporting rabbits from that~~
- 2 ~~property. Rabbits taken pursuant to this code may not be sold.~~

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